

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:10cv30**

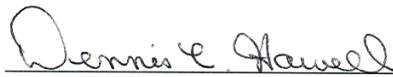
THOMAS LEE CUNNINGHAM,)
)
 Plaintiff,)
)
 v.)
)
 CIGNA HEALTHCARE OF NORTH)
 CAROLINA, INC. and)
 CONNECTICUT GENERAL LIFE)
 INSURANCE COMPANY,)
)
 Defendants.)
 _____)

ORDER

Pending before the Court is Defendant Connecticut General Life Insurance Company's ("Connecticut General") Motion to Dismiss [# 17]. Connecticut General moves to dismiss the claims asserted against it because Plaintiff has not perfected service of process on it as required by Rule 4 of the Federal Rules of Civil Procedure. In the Alternative, Connecticut General moves the Court direct Plaintiff to serve it within a specified time period. In response, Plaintiff concedes that he failed to serve Connecticut General in accordance with Rule 4 but requests that the Court grant him an extension of time to perfect service. Connecticut General consents to this extension of time. Accordingly, the Court **DIRECTS** Plaintiff that he shall perfect service on Connecticut General in compliance with Rule 4 by June 30, 2011. The

Court **DENIES without prejudice** the Motion to Dismiss [# 17]. If Plaintiff fails to perfect service on Connecticut General by June 30, 2011, Connecticut General may renew its Motion to Dismiss.

Signed: June 15, 2011



Dennis L. Howell
United States Magistrate Judge

